

DETAILED ACTION

Sent notice of allowability. Therefore, this advisory not sent to applicant.

1. This office action is in response to the amendment filed 5/28/2008. Claim 1 is amended; claims 12, 14 and 25-27 are cancelled; and claim 28 is added. Claims 1-11, 13, 15-24 and 28 are currently pending in the application.
2. Amendment to the specification (page 35, lines 3-17) to correct a typographical error is acknowledged.

Double Patenting

3. Claims 1, 7, 11, 13, 15-17 and 22-24 and 28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 12, 15-19, 21 and 25-30 of copending Application No. 11/547,238 in view of Maruyama et al (US 5, 270, 439).

The rejection is adequately set forth in paragraph 4 of office action mailed 9/11/2007.

Specification

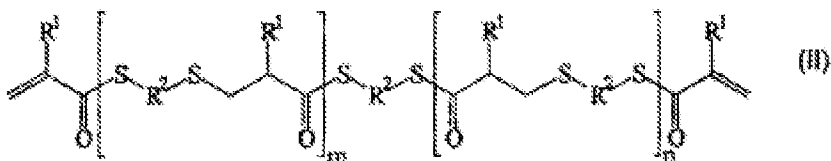
4. The disclosure is objected to because of the following informalities:

Appropriate correction is required.

5. It is noted that present claims are allowed for the following reasons, barring submission of a terminal disclaimer -

Present claims are directed to a mixture for the production of transparent plastics, comprising:

a) a prepolymer, prepared from compounds of the formula (I) and (II)

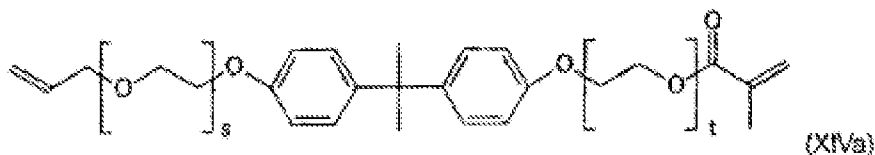


and from alkyl dithiols or from polythiols;

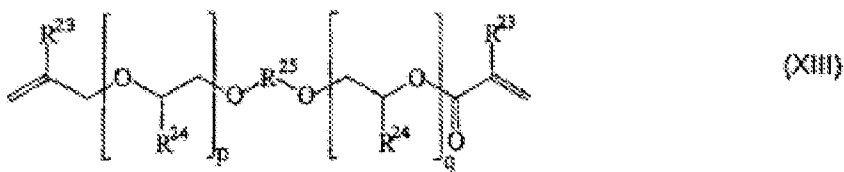
- b) at least one radical polymerizable monomer (A) with at least two methacrylate groups;
- c) aromatic vinyl compounds;
- d) a monomer selected from the group consisting of a monomer capable of free radical polymerization and having at least two terminal olefinic groups whose reactivity differs,

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- e) at least one ethylenically unsaturated monomer (B) and mixtures thereof; and
- f) a monomer selected from the group consisting of a monomer capable of free radical polymerization and having at least two terminal olefinic groups whose reactivity differs and monomer is of the formula -

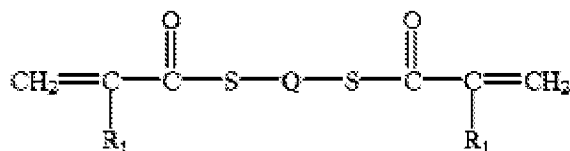


wherein s and t are greater than or equal to zero and the sum s + t is in the range from 1 to 20 or a mixture of monomer of formula (XIVa) and monomer of formula (XIII) –

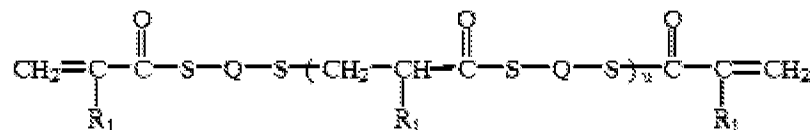


The closest prior art, viz., Smith et al (US 6, 342, 571 B1), Maruyama et al (US 5, 270, 439), Momoda et al (US 6, 698, 883 B2) taken individually or in combination, does not disclose or suggest the polymer composition of present claims. Thus Smith et al teach a polymerizable composition comprising a mixture of thio(meth)acrylate monomers comprising (i) a first thio(meth)acrylate functional monomer of following general formula

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and (ii) a second thio(meth)acrylate functional monomer represented by the general formula II -



(b) an aromatic monomer having at least two vinyl groups, c) a polythiol monomer having at least two thiol groups, d) a monomer capable of free radical polymerization and having at least two methacrylate groups, and e) a monomer capable of free radical polymerization and having at least two terminal olefinic groups whose reactivity differs; Maruyama et al teach a curable composition prepared by previously synthesizing the prepolymer having a polythioether skeleton; and Momoda et al teach curable composition comprising allyl polyethylene glycol methacrylate and is different from the monomer of formula XIVa as recited in the present claims.

Response to Arguments

6. Applicant's arguments, see bridging paragraph page 12-13, filed 5/28/2008, with respect to obviousness-type double patenting rejection, have been fully considered and are persuasive. The obviousness-type double patenting rejection of 1-11, 13 and 15-27 over copending application 10/588,210 has been withdrawn.
7. Applicant's arguments filed 5/28/2008 have been fully considered but they are not persuasive. Specifically, applicant argues that the present application (serial no. 10/587,257) is the first filed application compared to serial no. 11/547,210 (should be 11/547,238). Thus, the provisional double-patenting rejection should be withdrawn. However, applicant's attention is drawn to MPEP 804 [R-5] - III and IV, wherein it

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specifically mentions that it is necessary to disclaim the terminal part of any patent granted on the application which would extend beyond the application date of each one of the conflicting patents and/or applications, and the office cannot guarantee that two or more applications will have the same issue date. Thus, applicant is requested to file a TD against each of the applications before present claims can be passed to issue.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARUNA P. REDDY whose telephone number is (571)272-6566.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karuna P Reddy/
Examiner, Art Unit 1796